

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

FEBRUARY 17, 2015

KENDALL-DEAN SCHOOL AUDITORIUM

6:45 P.M.

OPEN FORUM

No one spoke.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Zwolenski and Mr. Boucher. Mr. Alter was unable to attend due to illness. Town Administrator Hamilton and Town Solicitor Iglioizzi were also in attendance.

**TRANSFER OF BVL LIQUOR LICENSE - ATM DEVELOPMENT LLC
D/B/A WIDE WORLD OF INDOOR SPORTS**

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve the liquor license transfer for Wide World of Indoor Sports located at 621 Pound Hill Road contingent upon receipt of the Certificate of Good Standing from the Division of Taxation.

**VICTUALING LICENSE - ATM DEVELOPMENT LLC D/B/A WIDE
WORLD OF INDOOR SPORTS**

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve the victualing license for Wide World

of Indoor Sports as the application has been signed off by the Building Inspector, the Fire Marshal and the Tax Collector.

**COIN-OPERATED MECHANICAL DEVICES - ATM DEVELOPMENT LLC
D/B/A WIDE WORLD OF INDOOR SPORTS**

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve the license for five coin-operated mechanical devices located on the premises.

ORDINANCE AMENDMENT RE: ONE-WAY STREET (IRONSTONE STREET)

Mr. Daniel Lepore, the lone resident of Ironstone Street, requested that the street become a one-way as it is being used as a cut-through between Buxton Street and Quaker Highway and vehicles are traveling at high rates of speed.

Following review by the Police Department, it was recommended by Lt. Landry and Chief Reynolds to allow vehicles to travel in a northerly direction only on Ironstone Street.

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to consider this the first reading of the ordinance.

APPOINTMENT TO JUVENILE HEARING BOARD

Ms. Hamilton appointed Daniel Lepore of Ironstone Street to the Juvenile Hearing Board. This is a three-year term that will expire on

December 1, 2017.

**PUBLIC HEARING RE: PROPOSED ZONE CHANGE FOR
ASSESSOR'S PLAT 8, LOT 30 (48 FARM STREET) - CHERYL E.
BRANCHAUD LIVING TRUST**

**This is a petition by applicant, Cheryl E. Branchaud Living Trust, to
rezone Assessor's Plat 8, Lot 30 from the current zoning designation
of Rural Agriculture to the new designation of Mixed Use-1.**

**Mary Silva of 1 Premisy Hill is still concerned about what is being
proposed for this property. She has questions about increased
traffic, increased police patrols, sewer and water, noise pollution and
the type of structures that may be built there and if they would be
compatible with the surrounding residences/area. When she looked
at the Comprehensive Plan, it said that 79 percent of the respondents
favored preserving open space. It also called for preserving natural
elements.**

**Eric Brainsky, attorney for the applicant, explained that the town's
approved Comprehensive Plan calls for this particular parcel to be a
mixed use parcel. There are sophisticated and detailed regulations in
the zoning ordinance that cover all issues in a mixed use zone. In
terms of development, the planning board and the zoning board
would review and regulate that. There are no plans for future
development at this time. The purpose of the zone change is to make
the property consistent with the Comprehensive Plan in terms of**

marketability and saleability.

Town Planner Robert Ericson commented that the Comprehensive Plan was approved in 2006 and the MU-1 zone is the most design-restrictive zone in town. When any change is made to the use of a piece of land, it must go before the Planning Board.

Mr. Igliozzi stated that the Comprehensive Plan was changed but the town never changed the zoning of this lot. In a prior lawsuit in East Providence, the Supreme Court has held that the Comprehensive Plan, because it is an ordinance adopted by the Council, is essentially binding on the town. He recommended that the petition be approved.

MOTION by Mr. Boucher to approve the petition of the applicant based upon the recommendation of the Town Solicitor. There was no second.

MOTION by Mr. Zwolenski and seconded by Ms. Alves to table this until such time as there is a proposal for what business would be coming in.

Mr. Brainsky did not understand what the basis in law was for that motion. He feels the Council is bound by state law and what the members are saying is we're not going to act, we're going to wait for some future time for this person to come in with some development plan for which there is no requirement. Mr. Brainsky did not see

where the Council had the authority to do that.

Mr. Zwolenski responded that he recalls there is a section in the Comprehensive Plan that requires sewer and water for this zone and he also believes there is a section that talks about protecting farmland.

Mr. Igliozzi stated the applicant is entitled to a decision. If it's a negative decision, the applicant would have the ability to appeal but if no action is taken, the applicant is left in the untenable position of not having approval and not having an appealable decision.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to close the public hearing.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 3 to 1 on a roll call vote (Mr. Boucher voted no) to table this application for a zone change.

AUDIT REPORT FOR YEAR END JUNE 30, 2014

Joanne Newton and Bernard Poirier of Parmelee, Poirier & Associates LLP reviewed the Basic Financial Statements with Independent Auditors' Report for the fiscal year ended June 30, 2014.

Ms. Newton noted there was an abatement issue and steps have been taken to remedy the situation.

MOTION by Ms. Alves, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to accept the audit report.

HIRING OF NEW AUDIT FIRM

Concerns have been raised by Ms. Alves because the town's new finance director, Jason Parmelee, is the son of one of the partners of Parmelee, Poirier & Associates LLP. Mr. Poirier had discussions with the Auditor General and was told there is no breach. The elder Mr. Parmelee has a tax practice and has no responsibilities for doing audits.

Ms. Alves felt that with all the issues with the town recently, it still can give the appearance to the residents that the town is not getting a thorough audit because Jason Parmelee did formerly work with the firm. She is afraid that some employees of the firm may not be as stringent with Jason as they might be with someone else.

Mr. Poirier affirmed that Jason would receive as much scrutiny as any other finance director. The appearance of a lack of independence is not a lack of independence. Mr. Poirier asked the Council to extend their contract for one more year and then base their opinion on the quality of work that is performed. If the Council is not happy then, the auditors would step away.

Mr. Zwolenski shared the concerns of Ms. Alves noting that

perception becomes reality.

Mr. Boucher would like to have a written opinion from the Auditor General.

MOTION by Ms. Alves, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to go out for an RFP to solicit another auditing firm for the town of North Smithfield for the upcoming audit.

BROOKSIDE EQUESTRIAN CENTER SOLAR PROJECT/REQUEST FOR TAX EXEMPTION - NEW ENERGY EQUITY LLC AND SOLBRIGHT RENEWABLE ENERGY, LLC

Attorney Alan Shoer of Adler Pollock & Sheehan, representing New Energy Equity LLC, SolBright Renewable Energy, LLC and the Brookside Equestrian Center project, came before the Council seeking support to allow his clients to enter into a contract to secure a tax exemption and a guaranteed stream of revenue for the town.

At a prior meeting Mr. Zwolenski had asked for five-foot contours and the topographical location but did not receive them. He was also unsure as to whether this project would be taxed as real estate or tangible taxes.

Tax Assessor David Dolce answered it would be taxed as tangible property at a rate of approximately \$43.00.

Mr. Zwolenski asked if a percentage of the electricity would be going to the farm and was told yes and that National Grid accepts that.

Ms. Alves clarified that the farm would still be billed from National Grid and would not be lowering their bill.

Mr. Shoer stated that the Spinellas, owners of the farm, would be getting assistance in the form of a lease payment.

New Energy Equity is looking for a sixty percent reduction of their taxes, leaving a payment to the town of \$13,600 per year. This would equate to over \$200,000 for up to a twenty-year term. The contract with National Grid is for fifteen years but following that New Energy has an arrangement with Holliston Sand to provide them electricity directly for five years with an option for an additional five years.

Mr. Boucher felt a sixty percent reduction was outrageous.

In response to a question, Mr. Shoer stated the project owner would be responsible for decommissioning of the project once it had outlived its usefulness.

The amount of revenue generated from National Grid will be \$240,000 based upon the amount of electricity going back into the grid.

Thirty percent of the project value is offset by the federal government

as a tax incentive. That will go down to ten percent at the end of 2016. The investor gets a credit they can use against their federal taxes.

Paul Soares of Sayles Hill Road is in favor of renewable energy but government should not be giving subsidies to private enterprises. Nor did he think the numbers provided for the amount of taxes they would be paying add up.

Michael Rapko of Old Greenville Road thinks the Council should set some type of standard payment amount going forward. Because this project is so close to Holliston Sand, it makes sense to look at the topography. Any moving of sand or gravel must stay on the Brookside property. Mr. Rapko felt the town should be looking at a shorter term and it looks like the town is trending towards a tax treaty in lieu of normal tax rates for tangibles or commercial.

Mr. Dolce gave an explanation regarding tangible personal property tax. He assured the Council that the company would be paying the \$13,600 per year and he doesn't know where the talk about depreciation comes from.

MOTION by Mrs. Nadeau and seconded by Mr. Boucher to approve the tax exemption for Brookside Equestrian Center solar project, giving the authorization for signature and the ability to work with the Town Solicitor, the Tax Assessor and the Town Administrator for the

contract to back into the \$13,600 per year for the duration of twenty years.

Roll call vote: Ms. Alves - no; Mrs. Nadeau - yes; Mr. Zwolenski - no; and Mr. Boucher - yes. The motion failed 2 to 2.

ABATEMENTS

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to accept the abatements in the amount of \$192,671.59 based upon the recommendations of the Assessor's Board of Review, the Tax Assessor and the Town Solicitor.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on an aye vote at 9:57 P.M. to extend the meeting to 10:30 P.M.

PROPOSED ORDINANCE REGARDING TAX STABILIZATION FOR SENIOR CITIZENS

After reviewing the current ordinance, Mr. Dolce has found there is a major flaw. Where it calls for a freeze, the assessment and the rate had been frozen and this makes the assumption that the assessment and the rate will not go down. He reviewed 29 applications and found that only nine saved money in this program. How this would work is the homeowner would pay ten percent of his income; anything over that amount would get deferred. It would later be paid back without interest.

Mr. Iglioizzi stated the only way the town's current ordinance could be changed would be to approach the General Assembly for amended enabling legislation.

Council members recommended that Mr. Iglioizzi, Mr. Dolce and Mr. Parmelee work together to come up with a plan to move this matter forward to get General Assembly approval.

SCHOOL COMMITTEE MEMBER STIPENDS

Mr. Parmelee has received information that the School Department has agreed to pay for the stipends and work-related costs for the two new School Committee members.

APPOINTMENT OF 2ND ALTERNATE TO PLANNING BOARD

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to appoint David Punchak as the 2nd Alternate to the Planning Board. This is a one-year term that will expire on December 1, 2015.

CONSENT AGENDA

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve the following: 1.) Payment of bills based upon the recommendations of the Town Administrator and the Finance Director: General Fund - \$479,387.41; Sewer - \$8,987.64; Water - \$2,030.40; School Department - \$1,553,518.58; and Fire

Department - \$195,147.00 for a total of \$2,239,071.03; 2.) Town Council minutes for October 20, November 3 and 17 & December 1, 2014; 3.) Budget Committee minutes for January 12 and 29, 2015; 4.) Conservation Commission minutes for December 9, 2014; 5.) Economic Development Commission minutes for January 13, February 10, April 7 and 14, May 12, June 9, July 14, October 14, 23 and 27 & December 8, 2014; 6.) Budget Committee Rules and Regulations; 7.) Planning Board minutes for February 5, 2015; 8.) Resignations from the Sewer Commission from Mariellen Sheridan and Kenneth Murphy; 9.) Animal Control monthly report for January 2015; 10.) NSF&RS Inc. monthly report for January 2015; 11.) NS Police Department monthly report for January 2015; 12.) NS Municipal Court monthly report for January 2015; 13.) Resolution Opposing an Act Relating to Taxation - Levy and Assessment of Local Taxes from the Town of Glocester; and 14.) Resolution in Support of House Bill H5044 Regarding Taxation of Development Property - City of Warwick.

AGREEMENT FOR EMERGENCY PLANNING, DISASTER RECOVERY & HAZARD MITIGATION GRANT PROGRAM SERVICES

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve this agreement and to authorize the Town Administrator to execute the document.

ORDINANCE AMENDMENT RE: SECTION 6-8 PRODUCTION OF RECORDS

This ordinance requires that budget documents provided to the Budget Committee are in an electronic spreadsheet format or some other format that is acceptable to the committee.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to consider this the first reading.

APPOINTMENTS TO PUBLIC BUILDING IMPROVEMENT COMMISSION
MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to appoint Doug Allam and Art Basset as residents and Christine Bonas as the appointee from the School Committee and the School Building Task Force.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote at 10:27 P.M. to extend the meeting to 10:45 P.M.

ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN WH EQUIPMENT, LLC AND WASTE MANAGEMENT OF RHODE ISLAND INC.

Ms. Hamilton explained that WH Equipment LLC has assigned its rights and obligations of a prior agreement to Waste Management of Rhode Island, Inc.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to authorize the Town Administrator to enter into

an agreement with Waste Management of Rhode Island, Inc. until June of 2015.

WIND PROJECTS

No action was taken on this matter.

RESOLUTION RE: SHARED BIKE ROUTE

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve the following resolution: “WHEREAS, the benefits of a bike route are multifaceted and include encouragement of increased physical activity that significantly impacts community health in a positive manner; and WHEREAS, a bike route provides an alternative mode of transportation that is non-polluting, and offers an amenity that will support economic development by bringing bicyclists to the area; and WHEREAS, the Branch River is a main tributary to the Blackstone River, and such bike route will follow the Branch River, further emphasizing the connection between the Town of North Smithfield, Slatersville in particular, and the historic Blackstone River; and WHEREAS, the Town of North Smithfield is eager to establish a bike route through the town which will connect with and serve as a spur to the Blackstone River Bikeway; and WHEREAS, the implementation of such bike route requires the designation of the route and provision of on-road indicators as deemed appropriate by the Public Works and Planning and Development Departments. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH

SMITHFIELD, RHODE ISLAND, AS FOLLOWS: SECTION 1. That the Town Council of the Town of North Smithfield hereby approves and authorizes the designated route, including Victory Highway, Main Street, North Main Street, Green Street, School Street, Great Road, and Saint Paul Street, (shown on the attached exhibit, entitled “Exhibit A”, as the “Branch River Spur Bike Route”) within the Town of North Smithfield. **SECTION 2.** That the Town Council does hereby authorize the installation of on-road shared bike lane markings as deemed appropriate by the Public Works and Planning Departments. **SECTION 3.** This Resolution shall become effective immediately upon its passage.”

MEETINGS AT SCOUTERS HALL

Ms. Hamilton has spoken with Public Works Director Raymond Pendergast and he advised that it would not be viable to hold meetings at Scouters Hall because of the parking. She suggested asking the School Department to use one of the schools.

LIAISONS TO DEPARTMENTS AND BOARDS/COMMISSIONS

MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to appoint Mrs. Nadeau as the liaison to the School Committee.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote appoint Ms. Alves as the liaison to the Finance Department.

ORDINANCE REVIEW BOARD

Mr. Zwolenski has been approached by several people who desire to work as a committee to review town zoning ordinances. He would like to have members from various boards as well as from town residents.

Mr. Iglioizzi suggested that this be an ad hoc committee with a specific charge such as reviewing zoning ordinances with follow-up recommendations to the Council.

Mr. Ericson noted that in the past there was an Ordinance Review Committee and an Ordinance Development Committee and there were ups and downs with both. He suggested that a sub-committee of Council members be formed and then bring in others.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to form an ad hoc committee comprised of members of boards or commissions who wish to participate and the general public.

APPOINTMENT TO HISTORIC DISTRICT COMMITTEE

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 3 to 0 on a roll call vote (Mrs. Nadeau abstained as Mr. Nadeau is her husband) to appoint Keith Nadeau to the Historic District Commission. This is a three-year term that expires on December 1,

2017.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on an aye vote at 10:45 P.M. to extend the meeting to 10:53 P.M.

REGIONAL DISPATCH STUDY

Ms. Hamilton explained that Mayor Lombardi of Johnston is setting aside \$5,000 to study consolidation of fire and police dispatch centers with eight other communities. He wondered if North Smithfield would be interested in participating.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to allocate up to \$5,000 out of the contingency fund for this study.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on an aye vote to adjourn at 10:49 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk